

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Orie Anderson, :
Plaintiff(s), :
vs. : Case Number: 1:16cv361
O.D.R.C. Southern Correctional Facility, et al., : Judge Susan J. Dlott
Defendant(s). :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to Karen L. Litkovitz, United States Magistrate Judge. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on December 1, 2016 a Report and Recommendation (Doc. 19). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 20) and the defendants filed a reply to the objections (Doc. 21).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, defendants' motion to dismiss the complaint based on plaintiff's failure to exhaust his administrative remedies (Doc. 12) is GRANTED. This case is DISMISSED without prejudice.

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this Order will not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court